

FOLEY & LARDNER

ATTORNEYS AT LAW

WASHINGTON HARBOUR

3000 K STREET, N.W., SUITE 500

WASHINGTON, D.C. 20007-5109

TELEPHONE: (202) 672-5300

FACSIMILE (202) 672-5399

FAX RECEIVED

001

GROUP 1600

FACSIMILE TRANSMISSION

Total # of Pages 5 (including this page)

TO:	PHONE:	FAX #:
Examiner Lisa V. Cook (CM1-7D16)	305-0808	703-308-4242

From: Marvin Motsenbocker No. 36,614
 Sender's Direct Dial: 202-672-5468
 Date: October 11, 2000
 Client/Matter No: 024754/0114
 User ID No: 0543

OFFICIAL

DEAR EXAMINER COOK:

AS DISCUSSED LAST WEEK, I AM ATTACHING PROPOSED CLAIMS FOR CASE 09/252,828 (RECOMBINANT BIOLOGICALLY ACTIVE HUMAN ZONA PELLUCIDA PROTEIN 3 (HZP3) TO TEST MALE FERTILITY)

THE CLAIMS THAT YOU OBJECTED TO ARE BOLDED. I PROPOSE DELETING THE REFERENCES TO SPECIFIC SEQUENCES AND REPLACING WITH THE COMMON FUNCTION, AS DESCRIBED ON PAGE 10 OF THE SPECIFICATION ("In particular, amino acid substitutions can be made to residues at positions listed in Table 1, which preserve the unique human-species specific glycosylation of the glycopolypeptide of the invention. This table lists representative amino acids that, according to the algorithm can be substituted while maintaining the unique human glycosylation pattern" I ALSO DELETED ONE CLAIM. I WILL CALL LATER. THANK YOU VERY MUCH FOR YOUR HELP.

SINCERELY

Marvin Motsenbocker
 MARVIN MOTSENBOCKER

Operator:	Time Sent:	Return Original To:
		MMOT

CONFIDENTIALITY NOTICE. THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

XXX.XXXXXX XA

FACSIMILE TRANSMISSION

-- 25. A purified recombinant glycopolypeptide of 65kd to 100kd that comprises approximately 40% to 60% carbohydrate by weight and that can bind human spermatozoa at least 10 times as strong as an equivalent molar amount of mouse ZP3.

26. The glycopolypeptide according to claim 25, wherein the glycopolypeptide is expressed by a human ovarian cell line.

27. A purified recombinant glycopolypeptide having between 41 and 400 amino acids and having an active portion that can bind human spermatozoa at least 10 times as strong as an equivalent molar amount of mouse ZP3, wherein the active portion comprises an amino acid sequence that is more than 54% homologous with SEQ ID NO: 1 and has a predicted O-glycosylation site at a serine that corresponds to position 344 of the human ZP3 sequence.

28. A glycopolypeptide according to claim 27, comprising a sequence from position 310 to position 345 of SEQ ID NO: 1 wherein at least one amino acid has been at a position selected from the group consisting of: (a)310; (b)320; (c)323; (d)326; (e)328; (f)329; (g)332; (h)334; (i)335; (j)337; (k)339; (l)341; (m)342 and (n)345 are substituted while preserving the human-species specific glycosylation pattern of the glycopolypeptide.

29. The glycopolypeptide according to claim 27, wherein the amino acid sequence of the active portion is more than 75% identical with SEQ ID NO:1.

30. The glycopolypeptide according to claim 28, having between 41 and 300 amino acids.

31. The glycopolypeptide according to claim 28, having between 41 and 200 amino acids.

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU

XXX.XXXXXX XA

FACSIMILE TRANSMISSION

32. The glycopolypeptide according to claim 28, having between 41 and 100 amino acids.

33. The glycopolypeptide according to claim 28, having between 41 and 65 amino acids.

34. A purified recombinant glycopolypeptide of 65kd to 100kd that comprises 40% to 60% carbohydrate by weight and that can bind human spermatozoa at least 10 times as strong as an equivalent molar amount of mouse ZP3, wherein the glycopolypeptide is obtainable by a process comprising the steps of:

- (a) transducing a cell from a human ovarian cell line with a polynucleotide that encodes a polypeptide comprising a sequence that is more than 54% homologous with SEQ ID NO:1;
- (b) establishing a stable-transfected cell culture for producing the glycopolypeptide; and
- (c) isolating the glycopolypeptide from the cell culture.

35. The purified glycopolypeptide of claim 34 wherein the ovarian cell line of step (a) is selected from the group consisting of PA-1, EB2, CaoV-3, CaoV-4, OVCAR-3, SK-OV-3, and SW 626.

36. The purified glycopolypeptide of claim 34, wherein the polynucleotide of step (a) encodes a polypeptide comprising a sequence from position 310 to position 345 of SEQ ID NO: 1 wherein at least one amino acid has been altered while preserving the human-species specific glycosylation of the glycopolypeptide.

CONFIDENTIALITY NOTICE. THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU

XXX.XXXXXX.XA

FACSIMILE TRANSMISSION

37. A purified glycopolypeptide that comprises carbohydrate and that can bind human spermatozoa at least 10 times as strong as an equivalent molar amount of mouse ZP3, wherein the amino acid sequence of the glycopolypeptide comprises a sequence from position 310 to position 345 of SEQ ID NO: 1 wherein at least one amino acid has been altered while preserving the human-species specific glycosylation of the glycopolypeptide.

38. A glycopolypeptide that can bind human spermatozoa at least 10 times as strong as an equivalent molar amount of mouse ZP3 wherein the polypeptide portion of the glycopolypeptide is smaller than 25kd and includes a core region having a sequence shown in SEQ ID NO: 1 wherein at least one amino acid has been altered while preserving the human-species specific glycosylation of the glycopolypeptide.

39. The glycopolypeptide of claim 38, having the sequence of SEQ ID NO: 1.

40. A glycopolypeptide having a polypeptide portion that is smaller than 10kd and which can bind human spermatozoa with greater affinity than mouse spermatozoa, wherein the glycoprotein has a sequence comprising sequence position numbers 337 to 348 of SEQ ID NO:1.

~~41. The glycopolypeptide of claim 40, wherein one or more amino acids at positions 337, 339, 341, 342 and 345 are substituted with met, iso, met, thr, asn, and lys respectively.~~

41. 42. A purified recombinant glycopolypeptide of 65kd to 100kd that comprises approximately 40% to 60% carbohydrate by weight and that can stimulate the acrosome reaction of human spermatozoa when co-present with the spermatozoa at a concentration of

CONFIDENTIALITY NOTICE. THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

XXX.XXXXXX.XA

FACSIMILE TRANSMISSION

less than 1 ug/ml for a time period of less than one hour.

42. 43. The glycopolypeptide according to claim 41 42, wherein the glycopolypeptide is expressed by a human ovarian cell line.- -

(end)

Marvin Motsenbocker
Telephone: 202-672-5468

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

XXX.XXXXXX.XA